

U.S. DISTRICT COURT  
WESTERN DISTRICT OF LOUISIANA  
RECEIVED - LAFAYETTE

MAY 29 2013

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UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF LOUISIANA

LAFAYETTE DIVISION

**WILLIAM MOUTON**

\* **CIVIL ACTION NO. 12-1203**

**VERSUS**

\* **JUDGE HAIK**

**COMMISSIONER OF SOCIAL SECURITY** \* **MAGISTRATE JUDGE HILL**

**JUDGMENT**

This matter was referred to United States Magistrate Judge C. Michael Hill for Report and Recommendation. After an independent review of the record, and noting the absence of any objections, this Court concludes that the Report and Recommendation of the Magistrate Judge is correct and adopts the findings and conclusions therein as its own.

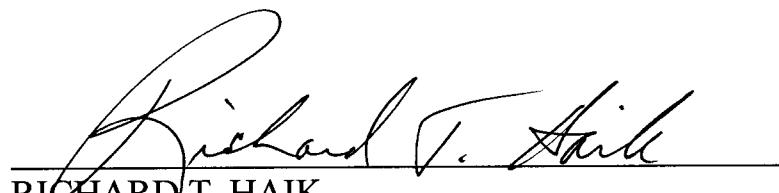
Accordingly, IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the Commissioner's decision is REMANDED to the Commissioner for further administrative action pursuant to the fourth sentence of 42 U.S.C. § 405(g).<sup>1</sup> This includes, but does not limit, sending the case to the hearing level with instructions to the Administrative Law Judge to reassess claimant's physical residual functional

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<sup>1</sup>A fourth sentence remand constitutes a “final judgment” that triggers the filing period for an EAJA fee application. *Shalala v. Schaeffer*, 509 U.S. 292, 113 S.Ct. 2625, 2631 (1993); *Freeman v. Shalala*, 2 F.3d 552 (5<sup>th</sup> Cir. 1993).

capacity, particular as to any limitations from his diabetes and status-post bypass surgery. Claimant shall be afforded the opportunity to submit additional evidence and to testify at a supplemental hearing.

THUS DONE AND SIGNED in Lafayette, Louisiana, this 28 day of  
May, 2013.

  
RICHARD T. HAIK  
UNITED STATES DISTRICT JUDGE